

### **REMARKS**

Claims 1-22 are pending in the application, as amended. Claims 1-22 have been amended and claim 23 has been cancelled. Claim 1 has been amended by deleting the description of the boss and adding language of original claim 11. Claims 2-4 are original claims 12-14, respectively, and now depend on claim 1. Claims 5-7 have been amended by reciting features of the elongate member and are supported in the specification at least at page 5, lines 39-40. Claims 8-12 have been amended by reciting features of the modular unit and are supported in the specification at least at page 6, lines 4-9. Claims 13-22 are original claims 1-10, respectively. Accordingly, no new matter has been added.

### **Continuation**

The Examiner has stated that this application appears to be a continuation but nothing in the specification or oath/declaration states as such. Applicants have stated that this application is a continuation of international application number PCT/AU01/01650 filed December 21, 2001 in numerous documents filed with the PTO including: (1) the Preliminary Amendment filed with the application on June 23, 2003; (2) the unexecuted declaration filed with the application on June 23, 2003; and (3) the executed declaration filed in response to the Notice of Missing Parts filed on September 22, 2003.

### **Formal Matter – Specification**

The Examiner has pointed out two errors in the specification. Applicants have amended the specification as suggested by the Examiner.

### **Formal Matter – Drawings**

The Examiner has suggested that Fig. 11 be labeled as “prior art.” Applicants have amended Fig. 11 as suggested by the Examiner. A replacement sheet with the suggested correction is attached.

### **Election Requirement**

The Examiner has issued an election requirement stating that the application contains claims directed to the following three patentably distinct species of the claimed invention:

Application No. 10/601,461  
Reply to Office Action of October 20, 2004

Group 1 – Figs. 1-10; Group 2 – Figs. 12-20; and Group 3 – Figs. 21-25. Pursuant to 35 U.S.C. § 121, the Examiner has required the applicants to elect a single disclosed species for prosecution on the merits.

In accordance with 37 C.F.R. § 1.143, applicants hereby elect Group 2 – Figs. 12-20, without traverse. Claims 1-12 read on Figs. 12-20.

**CONCLUSION**

In view of the foregoing Amendments and Remarks, it is respectfully submitted that the present application, including claims 1-22, is in condition for substantive consideration and such action is respectfully requested.

Respectfully submitted,

**ROBERT PHILLIP GRIFFITHS *et al.***

*November 22, 2004*  
(Date)

By:

*Martin G. Belisario*

**MARTIN G. BELISARIO**

Registration No. 32,886

**AKIN GUMP STRAUSS HAUER & FELD LLP**

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7013

Telephone: 215-965-1200

**Direct Dial: 215-965-1303**

Facsimile: 215-965-1210

E-Mail: mbelisario@akingump.com

MGB/JHC:nywp

Application No. 10/601,461  
Reply to Office Action of October 20, 2004

**Amendments to the Drawings**

Please replace Fig. 11 with the attached replacement sheet. No new matter has been added to the drawings by the Amendment.